United States District Court Southern District of Texas

## **ENTERED**

November 08, 2016 David J. Bradley, Clerk

## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

HILDA ROSE MORGAN,	§	
	<b>§</b>	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO. H-15-2784
	§	
CAROLYN W. COLVIN,	§	
Commissioner of the Social Security	§	
Administration,	<b>§</b>	
	§	
Respondent.	§	

## ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND GRANTING THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DENYING THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND REMANDING

This court has reviewed the United States Magistrate Judge's October 3, 2016 Memorandum and Recommendation on the parties' cross-motions for summary judgment. This court has made a *de novo* determination of the motions and disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court finds and concludes that the Administrative Law Judge's decision denying Hilda Rose Morgan Social Security benefits was not supported by substantial evidence in the record. In addition, the judge failed to explain the decision to give great weight to the opinions of two state agency examiners and of Dr. McLendon, and to give little if any weight to Dr. Johnson's opinion. Both prejudiced Ms. Morgan. Hilda Rose Morgan's motion for summary judgment, Docket Entry No. 13, is granted, and the Commissioner's cross-motion for summary judgment, Docket Entry No. 11, is denied.

The decision of the Administrative Law Judge is reversed and this matter is remanded to the Social Security Administration for proceedings consistent with this opinion.

SIGNED on November 8, 2016, at Houston, Texas.

Lee H. Rosenthal

United States District Judge